

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHURCH OF THE GARDENS et al.,

Plaintiffs,

v.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT et al.,

Defendants.

CASE NO. 2:24-cv-01010-LK

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. Plaintiffs Church of the Gardens and two of its members filed their complaint on July 9, 2024, naming as Defendants the Ninth Circuit Court of Appeals, Molly Dwyer, and John and Jane Does 1-10. Dkt. No. 1. The Court issued summons for the named Defendants on July 11, 2024. Dkt. No. 2. In the intervening months, no proof of service has been filed and no Defendant has appeared.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” In addition, plaintiffs have a

1 general duty to prosecute their claims, *see Fid. Phila. Tr. Co. v. Pioche Mines Consol., Inc.*, 587  
2 F.2d 27, 29 (9th Cir. 1978), and they fail to fulfill this duty when they do not litigate their case,  
3 *see, e.g., Spesock v. U.S. Bank, NA*, No. C18-0092-JLR, 2018 WL 5825439, at \*3 (W.D. Wash.  
4 Nov. 7, 2018). “[T]o prevent undue delays in the disposition of pending cases and to avoid  
5 congestion in the calendars of the District Courts,” federal courts may exercise their inherent power  
6 to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31  
7 (1962); *see also, e.g., Ville v. Meridian at Stone Creek Assisted Living*, No. C17-913-MJP, 2017  
8 WL 4700340, at \*1 (W.D. Wash. Oct. 19, 2017). More than 90 days have passed since the  
9 complaint was filed, and there is no indication that Plaintiffs have served any Defendant. Nor have  
10 Plaintiffs filed anything in this case since July 2024.

11 The Court thus ORDERS Plaintiffs to show cause within 21 days of this Order why the  
12 case should not be dismissed for failure to prosecute and failure to serve. If they timely serve  
13 copies of the summons and complaint and file proof of the same, the Court will discharge this  
14 Order. Failure to respond will result in dismissal of the case without prejudice.

15 Dated this 1st day of May, 2025.

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17 Lauren King  
18 United States District Judge  
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